

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SCHWANDA JOY MYERS PRICE
a.k.a SHAWANDA JOY MYERS PRICE
a.k.a SCHWANDA JOY MYERS
a.k.a SHAWANDA JOY PRICE
8212 23 Mile Road Box 121
Shelby Township, MI 48316

Registered Nurse License No. 549409

Respondent

Case No. 2008-136

DECISION AND ORDER

The foregoing Stipulated Settlement for Public Reprimand is hereby adopted as the Decision and Order of the Board of Registered Nursing, Department of Consumer Affairs. A letter of public reprimand shall issue from the Executive Officer of the Board of Registered Nursing.

This Decision shall become effective on October 1, 2009.

IT IS SO ORDERED October 1, 2009.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 JAMES M. LEDAKIS
Supervising Deputy Attorney General

3 KAREN L. GORDON, State Bar No. 137969
Deputy Attorney General

4 California Department of Justice
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8 Attorneys for Complainant

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2008-136

14 **SCHWANDA JOY MYERS PRICE, A.K.A.**
15 **SHAWANDA JOY MYERS PRICE, A.K.A.**
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17 **SHAWANDA JOY PRICE**

8212 23 Mile Road Box 121
Shelby Township, MI 48316

18 Registered Nurse License No. 549409

Respondent.

**STIPULATED SETTLEMENT
FOR PUBLIC REPRIMAND**

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
22 above-entitled proceedings that the following matters are true:

23 PARTIES

24 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
25 the Board of Registered Nursing. She brought this action solely in her official capacity and is
26 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
27 by Karen L. Gordon, Deputy Attorney General.

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1 8. With these rights in mind, Respondent hereby freely, voluntarily, and
2 knowingly waives and gives up each and every right set forth above including, but not limited to,
3 the right to a hearing on the charges and allegations contained in Accusation No. 2008-136 and
4 the right to reconsideration and judicial review, in order to enter into this Stipulated Settlement.
5 Respondent understands that, in signing this Stipulated Settlement rather than contesting the
6 Accusation, she is enabling the Board to impose disciplinary action upon her license without
7 further process.

8 9. All admissions of facts and conclusions of law contained in this Stipulated
9 Settlement are made exclusively for this proceeding and any future proceedings between the
10 Board and Respondent, or between Respondent and any other licensing agency in the State of
11 California, and shall be deemed to be admissions for any purpose in any other administrative,
12 civil or criminal action, forum or proceeding.

13 10. Respondent's license history and status as set forth in paragraph 3 of the
14 Accusation are true and correct. Respondent's address of record is current and accurate as set
15 forth in the caption of this Stipulation.

16 11. For the purpose of settlement and compromise of the instant proceeding
17 before the Board only, and not for any other purpose in any other civil or criminal matter, except
18 in proceedings before the Board of Registered Nursing or any other professional licensing agency
19 in the State of California, Respondent stipulates that the Board has jurisdiction to impose a
20 public reprimand upon her license to practice registered nursing pursuant to section 495 of the
21 Business and Professions Code.

22 12. Based on all of the recitals and stipulations herein, it is stipulated and
23 agreed that Registered Nurse License No. 549409 heretofore issued to Respondent shall, by way
24 of letter from the Executive Officer, be publicly reprimanded. Said letter of public reprimand
25 will issue as set forth hereinabove and shall be in substantially the same form as the sample letter
26 attached hereto as Exhibit B.

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13. In consideration for entering into this Stipulated Settlement, Respondent hereby waives any right to challenge the legal effect of this Stipulated Settlement, by way of petition for reconsideration, petition for writ of mandamus, appeal, or otherwise, and further waives any other legal claim or defense, which she may have asserted, including, but not limited to, any time based claim such as laches, in the event it is necessary to re-calendar an administrative hearing based on any part of or all of Accusation No. 2008-136.

14. The within Stipulated Settlement shall be subject to the approval of the Board or its Designee. After Respondent has signed the Stipulation, she shall not be permitted to withdraw from the Stipulation unless and until it has been rejected by the Board. If the Board or its Designee fails to approve this Stipulated Settlement, it shall be of no force or effect for either party.

ACCEPTANCE


I have carefully read the Stipulated Settlement. I understand the effect this stipulation will have on my license to practice registered nursing, Registered Nurse License No. 549409 and agree to be bound thereby. I enter into this Stipulated Settlement and Order knowingly, voluntarily, freely, and intelligently. I further agree that a facsimile copy of this Stipulated Settlement and Order including facsimile copies of signatures, may be used with the same force and effect as the originals.

DATED: 2/19/09

Schwanda Myers Price
SCHWANDA MYERS PRICE
Respondent

1 I have read and fully discussed with Respondent Schwanda Myers Price, R.N., the
2 terms and conditions and other matters contained in the above Stipulated Settlement and approve
3 of its form and content.

4
5 DATED: February 3, 2009


6
7 
8 ERIC C. BRADLEY, ESQ.
Attorney for Respondent

9
10 ENDORSEMENT

11 The foregoing Stipulated Settlement is hereby respectfully submitted for
12 consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

13
14 DATED: 3-23-09

15 EDMUND G. BROWN JR., Attorney General
16 of the State of California

17 
18 KAREN L. GORDON
Deputy Attorney General

19 Attorneys for Complainant
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8408V11K10 -8 UN 3-22 **Exhibit A**

Accusation No. 2008-136

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 JAMES M. LEDAKIS

Supervising Deputy Attorney General

3 KAREN L. GORDON, State Bar No. 137969

Deputy Attorney General

4 California Department of Justice

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10 **BEFORE THE**
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13 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. *2008-136*

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15 **SHAWANDA JOY MYERS PRICE, A.K.A.**

16 **SCHWANDA JOY MYERS, A.K.A.**

17 **SHAWANDA JOY PRICE**

54320 E. Annsbury Circle

Shelby Township, MI 48316

18 Registered Nurse License No. 549409

Respondent.

A C C U S A T I O N

20 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the
23 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
24 Affairs.

25 **Registered Nurse License**

26 2. On or about November 2, 1998, the Board issued Registered Nurse
27 License Number 549409 to Schwanda Joy Myers Price, a.k.a., Shawanda Joy Myers Price, a.k.a.,
28 Schwanda Joy Myers, and Shawanda Joy Price ("Respondent"). The registered nurse license was

1 in full force and effect at all times relevant to the charges brought herein and will expire on
2 March 31, 2008, unless renewed.

3 STATUTORY PROVISIONS

4 3. Section 2750 of the Business and Professions Code ("Code") provides, in
5 pertinent part, that the Board may discipline any licensee, including a licensee holding a
6 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
7 2750) of the Nursing Practice Act.

8 4. Code section 2764 provides, in pertinent part, that the expiration of a
9 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
10 against the licensee or to render a decision imposing discipline on the license. Under Code
11 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
12 years after the expiration.

13 5. Code section 2761 states, in pertinent part:

14 The board may take disciplinary action against a certified or licensed nurse
15 or deny an application for a certificate or license for any of the following:

16 (a) Unprofessional conduct, which includes, but is not limited to, the
17 following:

18 (1) Incompetence, or gross negligence in carrying out usual certified or
19 licensed nursing functions.

20 6. California Code of Regulations, title 16, section 1442, states:

21 As used in Section 2761 of the code, 'gross negligence' includes an
22 extreme departure from the standard of care which, under similar circumstances,
23 would have ordinarily been exercised by a competent registered nurse. Such an
extreme departure means the repeated failure to provide nursing care as required
or failure to provide care or to exercise ordinary precaution in a single situation
which the nurse knew, or should have known, could have jeopardized the client's
health or life.

24 7. California Code of Regulations, title 16, section 1443, states:

25 As used in Section 2761 of the code, 'incompetence' means the lack of
26 possession of or the failure to exercise that degree of learning, skill, care and
experience ordinarily possessed and exercised by a competent registered nurse as
described in Section 14413 - 8 LA 3: 20

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1 COST RECOVERY

2 8. Code section 125.3 provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 FACTUAL BACKGROUND

7 9. On or about June 25, 2004, patient K.G., a 67 year old male patient with
8 diabetes and hypertension, was seen at GAMBRO Healthcare, Anaheim, California, for dialysis.
9 Patient K.G. received dialysis three times per week for three hours and thirty minutes each time.
10 On the same day, within a short time after starting dialysis, K.G. complained of severe back pain
11 and chills. Following completion of dialysis, K.G. was transported to the emergency room at
12 Anaheim Memorial Hospital, Anaheim, California, which is physically connected to the
13 healthcare center by an enclosed hallway. K.G. was left unattended in the emergency waiting
14 room.

15 FIRST CAUSE FOR DISCIPLINE

16 (Gross Negligence)

17 10. Respondent is subject to discipline under Code section 2761, subdivision
18 (a)(1), on the grounds of unprofessional conduct, in that on or about June 25, 2004, while on duty
19 as a triage nurse in the emergency room of Anaheim Memorial Hospital, Anaheim, California,
20 Respondent committed acts constituting gross negligence, as defined in California Code of
21 Regulations, section 1442. Respondent failed to intervene and assess K.G., who had been
22 abandoned in the emergency waiting room.

23 SECOND CAUSE FOR DISCIPLINE

24 (Incompetence)

25 11. Respondent is subject to discipline under Code section 2761, subdivision
26 (a)(1), on the grounds of unprofessional conduct, in that on or about June 25, 2004, while on duty
27 as a triage nurse in the emergency room of Anaheim Memorial Hospital, Anaheim, California,
28 ///

1 Respondent committed acts constituting incompetence, as defined in California Code of
2 Regulations, section 1443, as more particularly set forth in paragraph 10, above.

3 THIRD CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct)

5 12. Respondent is subject to discipline under Code section 2761, subdivision
6 (a), on the grounds of unprofessional conduct, as more particularly set forth in paragraphs 10 and
7 11, above.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 549409, issued
12 to Schwanda Joy Myers Price, a.k.a., Shawanda Joy Myers Price, a.k.a., Schwanda Joy Myers,
13 and Shawanda Joy Price;

14 2. Ordering Schwanda Joy Myers Price, a.k.a., Shawanda Joy Myers Price,
15 a.k.a., Schwanda Joy Myers, and Shawanda Joy Price to pay the Board of Registered Nursing the
16 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
17 125.3; and,

18 3. Taking such other and further action as deemed necessary and proper.

19
20 DATED: 10/23/07

21
22 Ruth Ann Terry for
23 RUTH ANN TERRY, M.P.H., R.N.
24 Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant

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